

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 3495 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DODIA BABU MERANG KARADIA & Ors.

Versus

STATE OF GUJARAT

Appearance:

MR HARIN P RAVAL for Petitioners

MR BY MANKAD APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 29/08/98

ORAL JUDGEMENT

Rule. Mr. B.Y Mankad, learend APP waives service of notice of rule on behalf of the respondent. Heard the learned advocate for the petitioners and learned APP for the State.

2. Having regard to the facts of the case, the application is heard today. Learned advocate for the

petitioners do not press this application for Petitioner No. 1. Hence, this application with regard to petitioner No. 1 stands rejected.

3. Parties do not press for reasoned order.

4. Considering the submissions made on behalf of the parties, and having regard to the circumstances and facts of the case, it is ordered that in the event of arrest of the petitioners Nos. 2 to 9, in connection with C.R No. 58/98 registered at Malia Hatina Police Station, they shall be released on bail in respect of the offence alleged against them in this application on each of them executing a bond of Rs. 5000/- (Rupees five thousand only) with one surety of the like amount, and on conditions that they shall;

(a) make themselves available for interrogation by the Police Officer, whenever and wherever required;

(b) not directly or indirectly make any inducement, threats or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police officer;

(c) not to obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

(d) at the time of execution of bond, furnish their address to the Investigating Officer and the Court and shall not change their residence till the final disposal of the case or till further orders;

5. It would be open to the Investigating Officer to file an application for remand, if he considers it proper and just, and the learned Magistrate would decide it on merits.

6. This order will hold good if the petitioners Nos. 2 to 9 are arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of their arrest. Thereafter, it will be open to the petitioners Nos. 2 to 9 to make a fresh application for being enlarged on bail in usual course which, when it comes before the competent Court, will be disposed of in

accordance with law, having regard to all the attending facts and circumstances and the materials available at the relevant time, uninfluenced by the fact that anticipatory bail was granted.

7. Rule is made absolute qua Petitioners Nos. 2 to
9. Petition stands rejected in respect of Petitioner No.
1. Direct service is permitted.

Prakash*